

Appendix C

Original - Court file 1st copy - Assignment clerk/Ex. 2nd copy - Friend of the court/Extra		3rd copy - Opposing party 4th copy - Moving party
Approved, SCAO STATE OF MICHIGAN JUDICIAL CIRCUIT JUDICIAL DISTRICT COUNTY 45th	NOTICE OF HEARING AND MOTION	CASE NO. 22-00061GC Judge Michelle Friedman Appel
Court address 13600 Oak Park BLVD, Oak Park, MI 48237		Court telephone no. (248)691-7440
Plaintiff name(s) JP Morgan Chase Bank, N.A. Plaintiff's attorney, bar no., address, and telephone no. 866-757-4738 P-82443 Mandarin Law Group, LLP James McArdle P.O. Box 109032, Chicago, IL 60610	v	Defendant name(s) Katrina Bergunder Defendant's attorney, bar no., address, and telephone no. pro per 24674 Republic Ave Oak Park, MI 48237 773-853-7085

NOTICE OF HEARING

1. Motion title: Motion to exclude witness and dismiss
2. Moving party: Katrina Bergunder, defendant
3. This matter has been placed on the motion calendar for:

Judge Judge Michelle Friedman Appel	Bar no. 32709	Date <u>02/21/2023</u>	Time <u>10:30 AM</u>
Hearing location <input checked="" type="checkbox"/> Court address above <input type="checkbox"/>			

4. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

MOTION

I move the court to consider motion to exclude the witness and dismissal of case with prejudice. I move to exclude the witness because without contact information there is no way to find out what they claim to know.

The court ordered discovery, among other items needed to proceed is the document upon which the plaintiff predicates its theory of liability. The court ordered that it be produced. It has not been produced. Defendant cannot prepare for trial dealing with a non-existent document. The case should be dismissed with prejudice, pursuant to MCR 2.313 and MCR 2.504(B)(1) which the latter is withheld by the Michigan Court of Appeals case Grubor Enterprises, Inc v Kortidis*, 201 Mich App 48-89506 Nov 2d 614 (1993). Defendant should be awarded costs.

*Should be italicized but SCAO form does not permit formatting

02/08/2023
Date

/s/ K. Bergunder
Signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice of hearing and motion on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

02/08/2023
Date

/s/ K. Bergunder
Signature